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NATIONWIDE MUTUAL INSURANCE CO.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SONYA VALENZUELA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

NATIONWIDE MUTUAL
INSURANCE CO., an Ohio
corporation; and DOES 1 through 25,
inclusive,

Defendants.

Case No. 2:22-cv-06177 MEMF (SKx)

**DEFENDANT NATIONWIDE
MUTUAL INSURANCE COMPANY'S
REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT**

Date: January 12, 2023

Time: 10:00 a.m.

Dept.: 8B

Hon. Maame Ewusi-Mensah Frimpong

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant Nationwide Mutual Insurance Co. ("Nationwide") respectfully
requests that the Court take judicial notice of Exhibits A-N, listed below, submitted

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1 in support of Nationwide's concurrently filed Motion to Dismiss Plaintiff's First
2 Amended Complaint.

3 Under Federal Rule of Evidence 201, "if requested by a party and supplied
4 with the necessary information," a court "shall" take judicial notice of a fact "not
5 subject to reasonable dispute in that it is either (1) generally known within the
6 territorial jurisdiction of the trial court or (2) capable of accurate and ready
7 determination by resort to sources whose accuracy cannot reasonably be questioned."
8 Fed. R. Evid. 201(b), (d). The Court may take judicial notice of Exhibits A-T
9 because they are comprised of court filings, which are proper subjects of judicial
10 notice. *See In re Korean Air Lines Co., Ltd.*, 642 F.3d 685, 689 n. 1 (9th Cir. 2011)
11 (citing *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) ("[A] court may
12 take judicial notice of its own records in other cases, as well as the records of an
13 inferior court in other case")); *see also Vasserman v. Henry Mayo Newhall Mem'l*
14 *Hosp.*, No. 14-06245, 2014 WL 6896033, at *4 (C.D. Cal. Dec. 5, 2014) (observing
15 that court orders and filings are proper subjects of judicial notice) (citing *United*
16 *States v. Black*, 482 F.3d 1035, 1041 (9th Cir. 2007)) (noting that a court "may take
17 notice of proceedings in other courts, both within and without the federal judicial
18 system, if those proceedings have a direct relation to matters at issue").

19 Nationwide hereby respectfully requests that this Court take judicial notice of
20 the true and correct copies of the following documents:

- 21 1. Complaint filed by Plaintiff Sonja Valenzuela on July 20, 2022 in Los
22 Angeles Superior Court: *Sonja Valenzuela v. Massage Envy Franchising,*
23 *LLC*, Case No. 22STCV23456 (attached hereto as **Exhibit A**).
- 24 2. Complaint filed by Plaintiff Sonja Valenzuela on July 22, 2022 in Los
25 Angeles Superior Court: *Sonja Valenzuela v. AFLAC Incorporated*, Case No.
26 22STCV23742 (attached hereto as **Exhibit B**).

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3. Complaint filed by Plaintiff Sonja Valenzuela on July 22, 2022 in Los Angeles Superior Court: *Sonja Valenzuela v. Michael Kors (USA) Inc.*, Case No. 22STCV23635 (attached hereto as **Exhibit C**).
4. First Amended Complaint filed by Plaintiff Sonja Valenzuela in United States District Court, Central District of California: *Sonja Valenzuela v. Michael Kors (USA) Inc.*, Case No. 2:22-cv-05902-SPG-AFM (attached hereto as **Exhibit D**).
5. Complaint filed by Plaintiff Sonja Valenzuela on July 27, 2022 in Los Angeles Superior Court: *Sonja Valenzuela v. Under Armour, Inc.*, Case No. 22STCV24206 (attached hereto as **Exhibit E**).
6. Complaint filed by Plaintiff Sonja Valenzuela on August 1, 2022 in the United States District Court, Central District of California: *Sonja Valenzuela v. M.A.C. Cosmetics*, Case No. 5:22-cv-01360-JGB-KK (attached hereto as **Exhibit F**).
7. First Amended Complaint filed by Plaintiff Sonja Valenzuela in the United States District Court, Central District of California: *Sonja Valenzuela v. M.A.C. Cosmetics*, Case No. 5:22-cv-01360-JGB-KK (attached hereto as **Exhibit G**).
8. Complaint filed by Plaintiff Sonja Valenzuela on August 3, 2022 in Los Angeles Superior Court: *Sonja Valenzuela v. The Kroger Co.*, Case No. 22STCV25119 (attached hereto as **Exhibit H**).
9. Complaint filed by Plaintiff Sonja Valenzuela on August 3, 2022 in Los Angeles Superior Court: *Sonja Valenzuela v. BJ's Wholesale Club*, Case No. 22STCV25022 (attached hereto as **Exhibit I**).
10. Complaint filed by Plaintiff Sonja Valenzuela on August 12, 2022 in Los Angeles Superior Court: *Sonja Valenzuela v. Kaspersky Lab, Inc.*, Case No. 22STCV26119 (attached hereto as **Exhibit J**).

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11. Complaint filed by Plaintiff Sonja Valenzuela on September 6, 2022 in the United States District Court, Central District of California: *Sonja Valenzuela v. AIG Direct Insurance Services, Inc.*, Case No. 5:22-cv-01561-SS-KK (attached hereto as **Exhibit K**).
12. First Amended Complaint filed by Plaintiff Annette Cody on September 19, 2022 in the United States District Court, Central District of California: *Annette Cody v. Boscov's Inc.*, Case No. 8:22-cv-01434 (attached hereto as **Exhibit L**).
13. First Amended Complaint filed by Plaintiff Arisha Byars on September 20, 2022 in the United States District Court, Central District of California: *Arisha Byars v. Rite Aid Corp.*, Case No. 5:22-cv-01377 (attached hereto as **Exhibit M**).
14. First Amended Complaint filed by Plaintiff Arisha Byars on September 21, 2022 in the United States District Court, Central District of California: *Arisha Byars v. Goodyear Tire and Rubber Corp.*, Case No. 5:22-cv-01358 (attached hereto as **Exhibit N**).

Dated: October 14, 2022

Respectfully submitted,

DENTONS US LLP

By: /s/ Joel D. Siegel

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